HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

W.A. No.512 OF 2007

Between:

A.P.Bhoodan Yagna Board,
represented by its Secretary,
Hyderabad. . . .Appellant

AND

Popular Weaker Section Coop. Housing Society Limited
and others.
. . .Respondents

:: JUDGMENT ::

Counsel for the appellant : Shri Sriharsha Reddy
for Shri S.Niranjan Reddy

Counsel for respondent Nos.4 to 8 : Shri K.Govardhan Reddy
for Shri C.R.Pratap Reddy

Counsel for respondent No.9 : Shri Y.Ashok Raj

Counsel for respondent Nos.10 to 14 : Shri A.Abhishek Reddy
for Shri A.Pulla Reddy

Counsel for respondent Nos.15 and 16: Shri Resu Mahender Reddy

Counsel for respondent No.17 : Government Pleader
for Land Ceiling

19th June, 2007

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PER G.S.SINGHVI, CJ

This appeal by A.P. Boodan Yagna Board (for short, 'the Board') is directed against order dated 17.11.2006 passed by the learned Single Judge in WPMP No.21752 of 2006 whereby he dismissed the application filed by the appellant under Rule 16-A of the Writ Rules for its impleadment as party to the proceedings of the writ petition filed by respondent No.1 for quashing order dated 22.12.2001 passed by Joint Collector, Ranga Reddy District.

In the writ petition filed by it, respondent No.1 – Popular Weaker Section Cooperative Housing Society Limited has made the following substantive prayer:

a) Issue an order or direction declaring and setting aside the common order dated 22.12.2001 in File No.F1/6906/1996, F1/6915/1997, F1/7874/1997, F1/9079/1998 on the file of the second respondent, as illegal, arbitrary and without jurisdiction and to consequently direct the respondents 1 and 2 to grant occupancy rights to the petitioners herein in respect of the lands bearing Sy.No.210 admeasuring Ac.1-26 guntas, Sy.No.211, admeasuring Ac.1-17 guntas, Sy.No.212, admeasuring Ac.1- guntas, Sy.No.221, admeasuring Ac.14-20 guntas, Sy.No.222 admeasuring Ac.19-06 guntas and Sy.No.223, admeasuring Ac.18-31 guntas, situated at Kuntloor Village, Hayathnagar Mandal, Ranga Reddy District and pass such other order or orders.

b) Suspend the operation of the common order dated 22.12.2001 in file No.6906/1997, F1/6915/1997, F1/7864/1997 and F1/9079/1998 on the file of the 1st respondent and the order dated 19.9.1997 passed in File No.J/2740/94, J/5538/96, J/3245/94 and J/1398/96 on the file of the 2nd respondent pending disposal of the W.P. of 2002.

In paragraphs 2 and 3 of the affidavit filed by him, Shri G. Anand, Secretary of Popular Weaker Section Coop. Housing Society Limited,

averred as under:

2. I submit that the petitioner is a society registered in the year 1976 and comprises of 600 members belonging to weaker sections and lower strata of the society. In order to have shelter for its members, the petitioner society has entered into an Agreement of Sale on 25.3.1982 with one Shri V. Pulla Reddy to purchase an extent of Ac.55.07 guntas of land in Sy.Nos.210, 211, 212, 221, 222 and 223 situated at Kuntloor Village, Kayathnagar Mandal, Ranga Reddy District, and substantial amounts were paid to the owner of the property Shri V. Pulla Reddy. Before purchasing the property, the petitioner society has enquired with the revenue authorities and the revenue authorities have confirmed that there are no protected tenants in respect of the above lands which have been purchased by the petitioner society. Said lands were recorded as Inam lands. Sri V. Pulla Reddy was the Inamdar in respect of a total extent of 312 acres covered by Sy.Nos.204 to 225 and 232 situated at Kuntloor Village, Hayathnagar Mandal, Ranga Reddy District. In the year 1968, Ryotwari Patta was granted to the said Inamdar for an extent of Ac.204.95 cents in File No.D2/8180/68 by the then Dy. Tahsildar, under the provisions of Inams Abolition Act. With the advent of Land Reforms Act, said Inamdar filed declaration for granting 2 Standard Holdings – one in his favour and the other one in favour of his adopted son. During the pendency of the proceedings, the Government has taken over an extent of Ac.143-98 cents of land leaving 1 S.H. for the declarant. Thereafter, the declarant filed a petition on 4.2.1982 for revising the orders of land Reforms Tribunal and revised orders were passed on 16.2.1982 and the then Dy.Tahsildar, Hayathnagar conducted panchanama at the site on 11.3.1982 and the lands mentioned above which were purchased by the petitioner were handed over to the declarant. As stated above, the lands were in the possession of Mr.V. Pulla Reddy and they were taken possession of by the authorities from the declarant and possession was also re-delivered to him during the year 1982. Panchanama was conducted to that effect and it is only after verification of all these proceedings i.e. panchanama handing over possession by revenue authorities, and after satisfying that there are no protected tenants, the petitioner society has entered into an agreement of sale for purchasing the said lands and paid amounts to Shri Pulla Reddy. I submit that if really the ancestors of respondents No.3 to 7 were tenants in respect of the above lands, the same could have been reflected in the declaration filed by the original Inamdar Mr.V. Pulla Reddy and the same could have also been considered by the authorities under Land Ceiling Act. If there are any tenants, said extents of land could have been excluded in the declaration of original inamdar. The ancestors of respondent Nos.3 to 7 were in possession of some other lands and not these lands and as such they did not claim any rights before the ceiling authorities. The excess land was taken over under the provisions of Land Ceiling Act. Had there been any protected tenants, the area held by them could have been certainly deleted

by the authorities under the Land Ceiling Act. The petitioner society has been in possession of the above lands for more than 12 years and have also perfected their rights, even by adverse possession. I submit that after the agreement was entered into and consideration amounts were paid to Shri Pulla Reddy, the above lands were demarcated and plots were localized and developed layout was also sanctioned by the Gram Panchayat and individual plots were sold to the members of the society and in all, the members of the petitioner society are in possession of 412 plots purchased through Regd. Sale Deeds from the year 1982 onwards and they are in possession of the above property in their own right. Some of the members of the petitioner society, after purchase through Regd. Sale Deeds have also made small constructions upto basement level and have also been paying the taxes to the revenue authorities in respect of the said plots. Upto 1982 the original Inamdar was in possession and thereafter the member of the petitioner society are in possession of the property. Even after the death of Mr.V. Pulla Reddy, his wife V. Satyamma executed a General Power of Attorney in favour of one Mr.B.D. Vinay Paul on 19.9.1990 in respect of the above property and also she was a witness to the original Agreement of Sale. The wife of the declarant viz., V. Satyamma has also recognized the possession and title of the members of petitioner society.

3. I submit that since the lands is noted as Inam land in the revenue records, the petitioner society made an application for grant of Occupancy Rights and the proceedings were taken up in File No.J/1398/1996 on the file of Revenue Divisional Officer, Ranga Reddy District. In respect of the same lands, there were several other claims for grant of Occupancy Rights i.e. from respondent Nos.3 to 7, claiming to be the tenants of the original landlord stating that there was a lease deed executed by the original Inamdar in their favour and that they were in possession of the above property. In fact, there was no tenancy at all and the original Inamdar never executed any lease deed in favour of respondent Nos.3 to 7 or their ancestors. By creating some false documents, said claim is made. The 8th respondent herein, who is the wife of the original Inamdar, also has claimed for grant of Occupancy Rights stating that there was no agreement entered into with the petitioner society and the other respondents i.e. respondent Nos.14 and 15 have claimed to be the purchasers from the original inamdar through unregistered Sale Deeds and they have claimed rights over the above property. Though before the 2nd respondent herein substantial evidence was adduced to show that the members of the petitioner society are in possession of the above property in their own right, the 2nd respondent herein, by order dated 19.9.1997 in File No.J/2740/94, J/5538/96, J/3245/94 and J/1398/96 rejected the claim of the petitioner society and also some other claimants and granted Occupancy Rights in favour of the respondents No.3 to 7 herein. Same was also erroneously confirmed by the first respondent herein by Common Order

dated 22.12.2001 in File No.F1/6906/1997, F1/6915/1997, F1/7864/1997 and F1/9079/98. Said proceedings are impugned in the present writ petition.

During the pendency of the writ petition, an application was filed on behalf of the appellant for its impleadment as party to the writ petition. Shri Keshavulu, Secretary of the Board, who filed affidavit in support of the application, averred that Shri Vakiti Pullaiah, who was the owner and pattedar of Ac.100-00 of land in Survey Nos.215 to 224 situated at Papaiguda, Kuntlur Revenue Village, Hayathnagar Mandal, Ranga Reddy District, donated the entire land by executing Danapatram (Relinquishment Deed) dated 23.1.1994 in favour of the Board in accordance with Rule 3 of "Shri Acharya Vinoba Bhave Sarvodaya Bhoo-Yagna, Hyderabad, Land Revenue Special Rules, 1951" and by virtue of the provisions contained in the Andhra Pradesh Bhoodan and Gramdan Act, 1965, the said land vests in the Board; that the Board is prepared to participate in "Rajeev Gruhakalpa Scheme" framed by the State Government; that an application was made to Deputy Collector-cum-Mandal Revenue Officer, Hayathnagar Mandal, Ranga Reddy District on 9.12.2005 for mutation of the land as "Kharij Khata Bhoodan"; that Writ Petition No.23913 of 2005 filed by the Board was disposed of by the learned Single Judge by directing Collector, Ranga Reddy District to pass appropriate order on the application after giving notice to the persons in possession and also to the persons whose names appear in the revenue records and that pursuant to the Court's direction, Joint Collector-II, Ranga Reddy District issued notice to the interested persons and that decision of the writ petition filed by respondent Nos.1 and 2 would affect the Board's rights and, therefore, it was entitled to be impleaded as party.

The learned Single Judge declined the appellant's prayer for impleadment as party by observing that it was not a party either before the preliminary authority or before the appellate authority, who had

decided the case under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (for short, 'the 1973 Act'). The learned Single Judge noted that Vakiti Pullaiah, who is said to have donated the land, did not mention about the same in the proceedings arising under the 1973 Act and his wife did not disclose this fact before the authorities constituted under Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955, and held that the appellant was not entitled to be impleaded as party to the writ petition.

Learned counsel for the appellant conceded that his client was not a party in the original or appellate proceedings in the original or appellate proceedings held under the 1973 Act and no mention of the Dhanapatram was made by Vakiti Pullaiah. He, however, submitted that the Board should be allowed to be impleaded as party because if the writ petition is allowed, the interest of the Board will be adversely affected.

We have considered the submissions of the learned counsel, but have not felt impressed. In our opinion, the learned Single Judge did not commit any error by refusing to entertain the appellant's prayer for impleadment as party to the writ petition because it does not have any lis with the writ petitioners and result of the writ petition is not going to affect its right or interest. The appellant has not disputed that it was not a party to the original or appellate proceedings held under the 1973 Act. Therefore, we do not find any valid ground or justification to interfere with the discretion exercised by the learned Single Judge.

In the result, the appeal is dismissed.

G.S.SINGHVI, CJ

19th June, 2007

C.V.NAGARJUNA REDDY, J

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